

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

KEVIN SMITH, )  
                )  
                )  
Petitioner,    )  
                )  
vs.             )      No. 4:03CV354-DJS  
                )  
MICHAEL MURPHY, )  
                )  
                )  
Respondent.    )

ORDER

Upon careful consideration of the report and recommendation of the United States Magistrate Judge, and the lack of objections thereto,

**IT IS HEREBY ORDERED** that the magistrate judge's report and recommendation [Doc. #16] is accepted and adopted.

Dated this 11<sup>th</sup> day of January, 2006.

/s/Donald J. Stohr  
UNITED STATES DISTRICT JUDGE